

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 TAN N. TRAN, State Bar No. 197775  
Deputy Attorney General  
4 California Department of Justice  
300 South Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6793  
6 Facsimile: (213) 897-9395

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **BOARD OF PODIATRIC MEDICINE**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 1B-2006-174429

14 William T. Ainsley, D.P.M.  
338 Braddock Avenue  
15 Uniontown, PA 15401

**ACCUSATION**

16 Doctor of Podiatric Medicine No. E4471

Respondent.

17 Complainant alleges:

18 PARTIES

19 1. James Rathlesberger (Complainant) brings this Accusation solely in his  
20 official capacity as the Executive Officer of the Board of Podiatric Medicine (Board).

21 2. On or about February 19, 2003, the Board issued Doctor of Podiatric  
22 Medicine Number E4471 to William T. Ainsley (Respondent). The License was in full force  
23 and effect at all times relevant to the charges brought herein and will expire on October 31, 2008,  
24 unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board, under the authority of the  
27 following laws. All section references are to the Business and Professions Code unless otherwise  
28 indicated.

1                   4.       Section 2222 of the Code states as follows:

2       The California Board of Podiatric Medicine shall enforce and administer this  
3       article as to doctors of podiatric medicine. Any acts of unprofessional conduct or  
4       other violations proscribed by this chapter are applicable to licensed doctors of  
5       podiatric medicine and wherever the Medical Quality Hearing Panel established  
6       under Section 11371 of the Government Code is vested with the authority to  
7       enforce and carry out this chapter as to licensed physicians and surgeons, the  
8       Medical Quality Hearing Panel also possesses that same authority as to licensed  
9       doctors of podiatric medicine.

10                   The California Board of Podiatric Medicine may order the denial  
11       of an application or issue a certificate subject to conditions as set forth in Section  
12       2221, or order the revocation, suspension, or other restriction of, or the  
13       modification of that penalty, and the reinstatement of any certificate of a doctor of  
14       podiatric medicine within its authority as granted by this chapter and in  
15       conjunction with the administrative hearing procedures established pursuant to  
16       Sections 11371, 11372, 11373, and 11529 of the Government Code. For these  
17       purposes, the California Board of Podiatric Medicine shall exercise the powers  
18       granted and be governed by the procedures set forth in this chapter.

19                   5.       Section 2227 of the Code states:

20                   "(a) A licensee whose matter has been heard by an administrative law  
21       judge of the Medical Quality Hearing Panel as designated in Section 11371 of the  
22       Government Code, or whose default has been entered, and who is found guilty, or  
23       who has entered into a stipulation for disciplinary action with the division, may, in  
24       accordance with the provisions of this chapter:

25                   "(1) Have his or her license revoked upon order of the division.

26                   "(2) Have his or her right to practice suspended for a period not to exceed  
27       one year upon order of the division.

28                   "(3) Be placed on probation and be required to pay the costs of probation

1 monitoring upon order of the division.

2 "(4) Be publicly reprimanded by the division.

3 "(5) Have any other action taken in relation to discipline as part of an order  
4 of probation, as the division or an administrative law judge may deem proper.

5 "(b) Any matter heard pursuant to subdivision (a), except for warning  
6 letters, medical review or advisory conferences, professional competency  
7 examinations, continuing education activities, and cost reimbursement associated  
8 therewith that are agreed to with the division and successfully completed by the  
9 licensee, or other matters made confidential or privileged by existing law, is  
10 deemed public, and shall be made available to the public by the board pursuant to  
11 Section 803.1."

12 6. Section 2228 of the Code states:

13 "The authority of the board or a division of the board or the California  
14 Board of Podiatric Medicine to discipline a licensee by placing him or her on  
15 probation includes, but is not limited to, the following:

16 "(a) Requiring the licensee to obtain additional professional training and to  
17 pass an examination upon the completion of the training. The examination may be  
18 written or oral, or both, and may be a practical or clinical examination, or both, at  
19 the option of the board or division or the administrative law judge.

20 "(b) Requiring the licensee to submit to a complete diagnostic examination  
21 by one or more physicians and surgeons appointed by the division. If an  
22 examination is ordered, the board or division shall receive and consider any other  
23 report of a complete diagnostic examination given by one or more physicians and  
24 surgeons of the licensee's choice.

25 "(c) Restricting or limiting the extent, scope, or type of practice of the  
26 licensee, including requiring notice to applicable patients that the licensee is unable  
27 to perform the indicated treatment, where appropriate.

28 "(d) Providing the option of alternative community service in cases other

1 than violations relating to quality of care, as defined by the Division of Medical  
2 Quality.”

3 7. Section 2234 of the Code states:

4 "The Division of Medical Quality shall take action against any licensee who  
5 is charged with unprofessional conduct. In addition to other provisions of this  
6 article, unprofessional conduct includes, but is not limited to, the following:

7 "(a) Violating or attempting to violate, directly or indirectly, assisting in or  
8 abetting the violation of, or conspiring to violate any provision of this chapter  
9 [Chapter 5, the Medical Practice Act].

10 “...

11 "(e) The commission of any act involving dishonesty or corruption which  
12 is substantially related to the qualifications, functions, or duties of a physician and  
13 surgeon.

14 "(f) Any action or conduct which would have warranted the denial of a  
15 certificate."

16 8. Section 2236 of the Code states:

17 "(a) The conviction of any offense substantially related to the  
18 qualifications, functions, or duties of a physician and surgeon constitutes  
19 unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical  
20 Practice Act]. The record of conviction shall be conclusive evidence only of the  
21 fact that the conviction occurred.

22 "(b) The district attorney, city attorney, or other prosecuting agency shall  
23 notify the Division of Medical Quality of the pendency of an action against a  
24 licensee charging a felony or misdemeanor immediately upon obtaining  
25 information that the defendant is a licensee. The notice shall identify the licensee  
26 and describe the crimes charged and the facts alleged. The prosecuting agency  
27 shall also notify the clerk of the court in which the action is pending that the  
28 defendant is a licensee, and the clerk shall record prominently in the file that the

1 defendant holds a license as a physician and surgeon.

2 “(c) The clerk of the court in which a licensee is convicted of a crime shall,  
3 within 48 hours after the conviction, transmit a certified copy of the record of  
4 conviction to the board. The division may inquire into the circumstances  
5 surrounding the commission of a crime in order to fix the degree of discipline or to  
6 determine if the conviction is of an offense substantially related to the  
7 qualifications, functions, or duties of a physician and surgeon.

8 “(d) A plea or verdict of guilty or a conviction after a plea of nolo  
9 contendere is deemed to be a conviction within the meaning of this section and  
10 Section 2236.1. The record of conviction shall be conclusive evidence of the fact  
11 that the conviction occurred.”

12 9. Section 2497 of the Code states:

13 “(a) The board may order the denial of an application for, or the suspension  
14 of, or the revocation of, or the imposition of probationary conditions upon, a  
15 certificate to practice podiatric medicine for any of the causes set forth in Article  
16 12 (commencing with Section 2220) in accordance with Section 2222.

17 “(b) The board may hear all matters, including but not limited to, any  
18 contested case or may assign any such matters to an administrative law judge. The  
19 proceedings shall be held in accordance with Section 2230. If a contested case is  
20 heard by the board itself, the administrative law judge who presided at the hearing  
21 shall be present during the board's consideration of the case and shall assist and  
22 advise the board.”

23 10. Section 2497.5 of the Code states:

24 “(a) The board may request the administrative law judge, under his or her  
25 proposed decision in resolution of a disciplinary proceeding before the board, to  
26 direct any licensee found guilty of unprofessional conduct to pay to the board a  
27 sum not to exceed the actual and reasonable costs of the investigation and  
28 prosecution of the case.

1           “(b) The costs to be assessed shall be fixed by the administrative law judge  
2 and shall not in any event be increased by the board. When the board does not  
3 adopt a proposed decision and remands the case to an administrative law judge, the  
4 administrative law judge shall not increase the amount of any costs assessed in the  
5 proposed decision.

6           “(c) When the payment directed in the board's order for payment of costs is  
7 not made by the licensee, the board may enforce the order for payment by bringing  
8 an action in any appropriate court. This right of enforcement shall be in addition to  
9 any other rights the board may have as to any licensee directed to pay costs.

10           “(d) In any judicial action for the recovery of costs, proof of the board's  
11 decision shall be conclusive proof of the validity of the order of payment and the  
12 terms for payment.

13           “(e)(1) Except as provided in paragraph (2), the board shall not renew or  
14 reinstate the license of any licensee who has failed to pay all of the costs ordered  
15 under this section.

16           “(2) Notwithstanding paragraph (1), the board may, in its discretion,  
17 conditionally renew or reinstate for a maximum of one year the license of any  
18 licensee who demonstrates financial hardship and who enters into a formal  
19 agreement with the board to reimburse the board within one year period for those  
20 unpaid costs.

21           “(f) All costs recovered under this section shall be deposited in the  
22 Podiatry Fund as a reimbursement in either the fiscal year in which the costs are  
23 actually recovered or the previous fiscal year, as the board may direct.”

24           11. California Code of Regulations, title 16, section 1360, states:

25           “For the purposes of denial, suspension or revocation of a license,  
26 certificate or permit pursuant to Division 1.5 (commencing with Section  
27 475) of the code, a crime or act shall be considered to be substantially  
28 related to the qualifications, functions or duties of a person holding a

1 license, certificate or permit under the Medical Practice Act if to a  
2 substantial degree it evidences present or potential unfitness of a person  
3 holding a license, certificate or permit to perform the functions authorized  
4 by the license, certificate or permit in a manner consistent with the public  
5 health, safety or welfare. Such crimes or acts shall include but not be  
6 limited to the following: Violating or attempting to violate, directly or  
7 indirectly, or assisting in or abetting the violation of, or conspiring to  
8 violate any provision of the Medical Practice Act.”

9 CAUSE FOR DISCIPLINE

10 (Conviction of Crime)

11 12. Respondent is subject to disciplinary action under sections 2222,  
12 2227, 2228, 2234(a)(e)(f), 2236, 2497, and 2497.5 of the Code, and California Code of  
13 Regulations, title 16, section 1360, in that he was convicted of a crime substantially related  
14 to the qualifications, functions or duties of a podiatrist. The circumstances are as  
15 follows:

16 13. On or about January 9, 2006, an amended complaint was filed  
17 against Respondent in a criminal proceeding in the Superior Court of California, County of  
18 Los Angeles, entitled *State of California v. William Todd Ainsley*, Case No. BA255310,  
19 charging him with violation of Welfare and Institutions Code section 14107 (b)(1)  
20 [Presenting False Medi-Cal Claims] (Count 1), and violation of Penal Code section 549  
21 [Solicitation of Workers' Compensation] (Count 2).

22 14. On or about January 9, 2006, Count 1 was dismissed, and  
23 Respondent was convicted by a plea of guilty to Count 2, which was reduced by the Court  
24 to a misdemeanor on or about October 17, 2006.

25 15. Respondent was placed on thirty-six months summary probation  
26 and ordered to pay restitution in the amount of \$45,000.00.

27 16. The facts and circumstances surrounding this offense are as follows:  
28 On or about October 2002 through on or about January 2004, in the County of Los

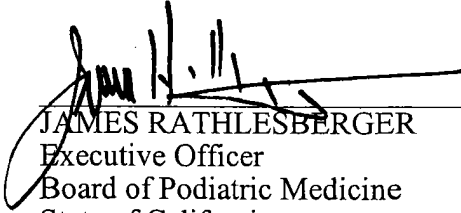
1 Angeles, State of California, Respondent accepted business from a person who  
2 Respondent knew was violating Penal Code Section 550, and in reckless disregard  
3 for whether that person was violating Penal Code Section 550 (False/Fraudent  
4 Claims), in violation of Section 549 of the Penal Code.

5  
6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters  
8 herein alleged, and that following the hearing, the Board of Podiatric Medicine issue a  
9 decision:

- 10 1. Revoking or suspending Doctor of Podiatric Number E4471, issued  
11 to William T. Ainsley, D.P.M.;
- 12 2. Ordering William T. Ainsley to pay the Board the reasonable costs  
13 of the investigation and enforcement of this case, pursuant to Business and Professions  
14 Code section 2497.5, and if placed on probation, the costs of probation monitoring;
- 15 3. Taking such other and further action as deemed necessary and  
16 proper.

17  
18 DATED: April 5, 2007

19  
20   
21 JAMES RATHLESBERGER  
22 Executive Officer  
23 Board of Podiatric Medicine  
24 State of California  
25 Complainant

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